

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- X
BENJAMIN HOLMES_____
Plaintiff(s),

-v-

CITY OF NEW YORK, et al.,

Defendant(s).----- X
KATHERINE B. FORREST, District Judge:USDC SDNY
DOCUMENT
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DATE FILED JUL 13 2015

14 Civ. 10232 (KBF)

SCHEDULING ORDER

The parties propose the following schedule for this matter:

1. All parties [**do** ☐ / **do not** ☒] consent to conducting all further proceedings before a United States Magistrate Judge, including motions and trial. 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.¹
2. Close of fact discovery: 11/13/15. [**within 4 months unless the case is particularly complex**]
3. Close of expert discovery: 12/8/15. [**25 days after the close of fact discovery; the parties are to negotiate interim dates regarding expert witnesses**]

The parties contemplate experts in this matter for the following subject(s): plaintiff's health/physical condition.

4. [**For F.L.S.A. actions only**] Plaintiff(s) [**do** ☐ / **do not** ☐] anticipate making a motion for conditional certification of a collective action under 29 U.S.C. § 216(b). Plaintiff(s) shall include a proposed notice with the opening brief.

Proposed briefing schedule:

Opening: _____ [**30 days after initial conference**]
 Opp'n: _____ [**21 days after opening brief**]
 Reply: _____ [**7 days after opposition brief**]

¹ If all parties so consent, they should execute a consent form (available at <http://www.nysd.uscourts.gov/file/forms/consent-to-proceed-before-us-magistrate-judge>) and submit it to the Court via e-mail, along with this proposed order.

5. The parties [**do** ☒ / **do not** ☐] anticipate making dispositive motions. The contemplated dispositive motion(s) is/are a motion(s) defendants anticipate moving for summary judgment at the close of discovery.

Proposed briefing schedule:

Opening: ~~12/8/15~~ 11/13/15 [no later than item 3]
 Opp'n: ~~12/30/15~~ 12/14/15 [21 days after opening brief]
 Reply: ~~1/6/16~~ 12/30/15 [7 days after opposition brief]
Last dates to file; motions may be brought at any time.

6. Trial [**will** ☒ / **will not** ☐] be before a jury.

DO NOT FILL IN BELOW. THE COURT WILL SET ITEMS 7-10.

7. The next status conference is set for 10/16/15 at 9:00 am. (*telephonic*)
 8. Pretrial materials, including the Joint Pretrial Order ("JPTO"), are due: 1/29/16.
 9. The Final Pretrial Conference ("FPTC") is set for 2/3/16 at 1pm.

Motions in limine are due two weeks before FPTC; oppositions are due one week later. Daubert motions are due four weeks before FPTC; oppositions are due two weeks later. (No replies.)²

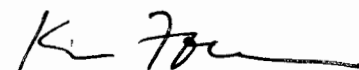
10. Trial in this matter shall commence on 3. Trial is anticipated to take 2/8/15 (days / ~~weeks~~).

Settlement discussions must occur in parallel to this schedule (schedule will not be adjourned, except in very unusual situations, for settlement discussions).

SO ORDERED.

Dated: New York, New York

7/13, 2015


 KATHERINE B. FORREST
 United States District Judge

² Deadlines for motions in limine and Daubert motions are generalized and subject to change. The parties may request modified schedule if desired.